
SENATE BILL No. 91

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-5.1-10.

Synopsis: Prohibition of knives in schools. Provides that a student may be expelled for not more than one year for possessing a knife on school property.

Effective: July 1, 2004.

Merritt

December 2, 2003, read first time and referred to Committee on Education and Career Development.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 91

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-5.1-10, AS AMENDED BY P.L.123-2002,
2 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 10. (a) As used in this section, "firearm" has the
4 meaning set forth in IC 35-47-1-5.

5 (b) As used in this section, "deadly weapon" has the meaning set
6 forth in IC 35-41-1-8. The term does not include a firearm or
7 destructive device.

8 (c) As used in this section, "destructive device" has the meaning set
9 forth in IC 35-47.5-2-4.

10 (d) Notwithstanding section 14 of this chapter, a student who is:

11 (1) identified as bringing a firearm or destructive device to school
12 or on school property; or

13 (2) in possession of a firearm or destructive device on school
14 property;

15 must be expelled for a period of at least one (1) calendar year, with the
16 return of the student to be at the beginning of the first school semester
17 after the end of the one (1) year period.

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(e) The superintendent may, on a case-by-case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 14 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; ~~or~~

(2) in possession of a deadly weapon on school property; **or**

(3) in possession of a knife of any type on school property, except as provided in subsection (i);

may be expelled for a period of not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with disabilities (as defined in IC 20-1-6.1-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

(i) A student may not be expelled for possessing a knife on school property:

(1) if:

(A) the knife is provided by the school corporation; or

(B) possession of the knife is permitted by the school corporation; and

(2) if, at the time of possession, the knife is being used for a purpose authorized by the school corporation.

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